

MEETINGS TO DATE 18
NO. OF REGULARS 12
NO. OF SPECIALS 6

LANCASTER, NEW YORK
July 1, 1988

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of July, 1988 at 3:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: NANCY M. BINDHAMMER, DEPUTY TOWN CLERK

PURPOSE OF THIS MEETING:

This Special Meeting was called for the purpose of re-approving the Map Cover of The Meadows Subdivision Plan.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, JOSELA ENTERPRISES, INC., 5653 Broadway, Lancaster, New York, has submitted its development plot plan for a proposed residential subdivision to be known as "THE MEADOWS", located on the west side of Aurora Street, south of the intersection of Old Post Road with Aurora Street and comprising approximately 46.95 acres, and

WHEREAS, the Town Engineer and the Planning Board of the Town of Lancaster have reviewed this proposed subdivision, and

WHEREAS, a SEQR Review of this project has been completed by the SEQR Municipal Review Committee of the Town of Lancaster, and

WHEREAS, Town Law §281 grants authority to a Town Board to modify provisions of the zoning ordinance to encourage flexibility of design, appropriate use of land, preservation of natural qualities and facilitate the adequate and economical provision of streets and utilities, as long as the permitted density of sublots under the Zoning Ordinance is not increased, and

WHEREAS, the developer herein has proposed a subdivision plan which will not alter density, but will alter a number of lot widths as shown on its plan and has therefore requested that the Town Board consider approval under §281 of the Town Law, and

WHEREAS, the above mentioned modifications are necessary because of the unexpected economic hardship of the developer to install adequate water lines on and off the project site and installation of a sewer lift station, and

WHEREAS, said modifications are necessary because of the topography of the site which includes a creek and flood plain area, and

WHEREAS, with said modifications the development is feasible and therefore in the best interest of the Town of Lancaster, and

WHEREAS, the Map Cover was not filed in the Erie County Clerk's office within the specified time and in order to so file the Map Cover the Town Board must re-approve the development plan as originally submitted by the developer;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the final proposed subdivision plot plan for single family residential as submitted in final form by Josela Enterprises, Inc., to be known as "THE MEADOWS", located on the west side of Aurora Street, south of the intersection of Old Post Road and Aurora Street, pursuant to the authority granted to the Town Board under §281 of the Town Law, after review of engineering plans submitted by the developer demonstrates that the parcel would accommodate 120 sublots with a frontage of at least 75 feet, while the proposed plan would result in 119 sublots, some of which do not meet the 75 ft. lot width required by the Zoning Ordinance, on the following conditions:

- (1) Developer to retain architectural and set back control over all lots whether developed by itself or conveyed to any other person, firm, corporation or partnership;
- (2) That the developer or grantee therefrom shall cause the building line of any structure to be at a point in a subplot which is 70' wide, where such lot will accommodate a structure at this point and not be in violation of other requirements of the Zoning Ordinance;
- (3) That the developer provide a stub street on the west and north side of the subdivision as shown on the plot plan;
- (4) That the developer execute an Agreement in form satisfying to the Town Attorney which will obligate the developer or his successor in interest to place a water line to the subdivision which shall be located and run from the subdivision herein, south along the west side of Aurora Street to a point across from the property owned by the developer on the east side of Aurora Street, then traverse Aurora Street in an easterly direction and run generally easterly through the developer's property to its intersection with Lake Avenue and then to run north along the west side of Lake Avenue as it necessary to intersect the water line on Lake Avenue;

- (5) That deeds from the Grantor/Developer for each lot recite that "part of the subdivision, of which the lot conveyed by these premises is a part, has been designated by the Federal Government through FEMA as a flood plain and the designated flood plain area as appears on the final development plan on file with the Town of Lancaster, shall not be disturbed in any manner whatsoever by the grantee herein, or his successors, heirs or assigns."
- (6) That the Town Clerk of the Town of Lancaster be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof;
- (7) That the Town Attorney be and is hereby directed to attend to the filing of said subdivision map in the Erie County Clerk's Office, which map shall bear the legend that lots within the subdivision may be situated partially within the FEMA designated Flood Plain.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 1, 1988

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE
TOWN BOARD AND CARRIED, the meeting was adjourned at 3:40 P.M. out of
respect to:

LEON McBRIDE

Signed Nancy M. Bindhammer
Nancy M. Bindhammer,
Deputy Town Clerk